FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.2904 OF 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.V. Holamagi for petitioner.
Mr.A.J.Bhor for res.No.1.
Mrs.M.P. Thakur, AGP for res.No.2.

CORAM : H.L GOKHALE &
J.H.BHATIA, JJ.
DATED : 20th June 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. This petition has been filed on the Appellate Side, principally because according to Mr.Holamagi, learned Counsel appearing for the petitioner, the Ambernath Police Station in District Thane is concerned in this matter. The petitioner is a Headmaster working in a school run by the 1st respondent-Municipal Corporation. His daughter-in-law one Asha died in certain circumstances which led to the

Ambernath Police State registering the offence under Sections 498-A and 306 read with 34 of the Indian Penal Code against the petitioner and his son and other relatives. The petitioner and his son applied for anticipatory bail by moving Criminal Application No.1094 of 2006. The petitioner and the other relatives have been granted the bail by an order passed by the learned Single Judge on 6th June 2006, though his son the husband of this Asha i.e. one Vijay has not been granted the bail.

3. The case of the petitioner is that he is not being allowed to join on duty by the Municipal Corporation. A reply has been filed by one Smt.Alka Dixit, Administrative Officer (School), of the Municipal Corporation. We have perused that reply. Apart from this reply, Mr.Bhor appearing for the Municipal Corporation has

relied upon Rule 80(b) of the Bombay Municipal (Service) Regulations, 1989. This rule provides that where a criminal charge or proceeding for arrest is pending against an employee of the Corporation during the period when the person concerned is not actually detained or in custody or is imprisoned, if the charge made or proceedings taken against him is likely to embarrass him in the discharge of his duties as a Corporation employee or involves moral turpitude, such an employee should also be placed under suspension. No such order has been passed as yet. That being so, it will be open to the petitioner to report for duty and the 1st respondent-Municipal Corporation is expected to allow him to join on duty until any such order is passed by the Municipal Corporation.

4. Mr.Holamagi makes a second request that the petitioner's salary, which has not been paid, be released. He states that the petitioner has applied for leave. If that is so and he has adequate leave to his credit, the Municipal Corporation will release his salary.

5. Petition stands disposed of.

(H.L.GOKHALE, J.)

(J.H. BHATIA, J.)